

April 8, 1975

SENATOR CHAMBERS: So what this would do is to say that the Legislature as a whole is being represented by the Attorney General because the Legislature as a whole was named in the summons.

SENATOR BURBACH: Plus our Clerk, Vince Brown, plus our Lt. Governor, Jerry Whelan.

SENATOR CHAMBERS: I don't mind them being in it too. Now here is the other question. IF the Legislature were not represented what would be the result of that?

SENATOR BURBACH: I haven't the least idea Sir. I imagine that we would all need to appear because in the summons it mentions that we are to appear within 20 days.

SENATOR CHAMBERS: May I ask Senator Luedtke, as an attorney a couple of questions. Senator Luedtke, would you answer a question or two for me please, as an attorney highly skilled in the law and highly competent.

SENATOR LUEDTKE: Where do I send the bill?

SENATOR CHAMBERS: We will introduce a resolution. Senator Luedtke in a case involving several defendants like this one, if five defendants say are named and three of them don't show up, what is the effect on those that don't show up.

SENATOR LUEDTKE: Well in the first place, I think that if we are named we should have been served individually and I was not served individually. I don't think that we are probably parties in this really unless we have been served. I don't understand that part of this action anyway.

SENATOR CHAMBERS: Very well, so then is there any need to offer a resolution to have the Attorney General defend the Legislature?

SENATOR LUEDTKE: Well it would be alright for him because certainly I don't know how he is going to answer for the Legislature but he could answer in the way that maybe I just answered that there was no jurisdiction over any of us.

SENATOR CHAMBERS: So a resolution like this if not adopted would not have any effect one way or the other on the prosecution or the handling of this case.

SENATOR LUEDTKE: I think that the only effect that it has is that it makes very clear that we are asking the Attorney General to file whatever proceedings are necessary to protect the Legislature if that is necessary. I have not, I very frankly have not reviewed the case that closely.

SENATOR CHAMBERS: Thank you Senator Luedtke. Members of the Legislature, I'm not going to vote for this resolution. I do not think that the Legislature is acted properly or responsibly in this entire situation. I think that a shell game was run on the people once and I'm not going to participate in a second one. I do not believe that the Legislature can be brought up before the court. I do not believe